

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 19, 1999

APPLICATION OF

BELL ATLANTIC-VIRGINIA, INC.

CASE NO. PUC960164

For exemption from
physical collocation

ORDER PERMITTING RESPONSE TO MOTIONS
AND INVITING COMMENTS ON PROPOSED RULES

On October 12, 1999, the Staff of the State Corporation Commission ("Staff") filed a motion requesting that the Commission accept Bell Atlantic-Virginia, Inc.'s ("BA-VA") request to withdraw its exemptions, deny BA-VA's request for additional exemptions, and finalize the procedural rules governing exemptions from providing physical collocation.

In support of its motion, the Staff states that on September 30, 1999, BA-VA filed a withdrawal of its requests for exemption from the physical collocation requirements for six central offices: Herndon, Lewinsville, Centreville, Crystal City, Fox Mill Road, and Sterling. The Staff states that it agrees with BA-VA that there should be no exemption from physical collocation at these central offices if a form, type, or arrangement of physical collocation is available, as is the case with the named offices.

The Staff also requests that the Commission deny BA-VA's request for exemption from its Midlothian and Lake Fairfax central offices because BA-VA has used a planning period in excess of two years¹ to justify its claim of space unavailability, in contravention of this Commission's previous order discussing this issue.² Rhythm Links Inc. - Virginia ("Rhythm Links") also filed a motion on October 1, 1999, to dismiss BA-VA's September 21, 1999, supplemental application for an exemption from physical collocation for the Midlothian central office.

Finally, the Staff requests that the Commission implement procedural rules governing requests for exemption from physical collocation. The Staff states that after reviewing the comments of interested parties in response to our Order Inviting Comments of December 16, 1998, and considering the revised FCC regulations, it is proposing revisions to the previously recommended requirements. The Staff proposes that these requirements become rules governing physical collocation exemption requests.

¹ As identified in the Attachment to BA-VA's September 30, 1999, withdrawal of its requests for exemption.

² Petition of AT&T Communications of Virginia, Inc., For arbitration of unresolved issues from interconnection negotiations with GTE South, Case No. PUC960117, 1996 S.C.C. Ann. Rep't 236, 237 (Final Order, Dec. 11, 1996). In this Order, the Commission determined that an incumbent local exchange carrier may reserve space for itself based on a planning horizon of not more than two (2) years.

NOW THE COMMISSION, having considered the Staff's and Rhythm Links' requests, is of the opinion and finds that BA-VA and interested parties should be permitted to respond to these requests and comment on the proposed rules.

Accordingly, IT IS ORDERED THAT on or before November 19, 1999, BA-VA and other interested parties may file a response to both the Staff's and Rhythm Links' motions and may comment on the proposed rules attached to this Order.

CHAPTER 400.
TELECOMMUNICATIONS.

20 VAC 5-400-200. Procedural rules governing exemption from providing physical collocation pursuant to § 251(c)(6) of the Telecommunications Act of 1996.

A. 1. The incumbent local exchange carrier ("ILEC") shall submit an original and 15 copies of its application requesting exemption to provide physical collocation with the Clerk of the State Corporation Commission ("commission"), c/o Document Control Center, 1300 East Main Street, P.O. Box 2118, Richmond, Virginia 23218. Three copies of the floor plan required in subdivision B 2 shall be provided to the commission's Division of Communications.

2. The ILEC shall file an exemption request only when no physical collocation space is available at the ILEC's premise.

3. The ILEC shall file an application requesting exemption to provide physical collocation at any premise within 15 days of a denial to a carrier of space as described in subdivision A 2. If the exhaustion of space is determined outside of a denial to a carrier, the ILEC shall file its application within 30 days of such a determination.

4. A carrier that has been denied an amount of space or a specific collocation arrangement in a premise where some

CHAPTER 400.
TELECOMMUNICATIONS.

physical collocation space or alternative arrangements are still available may initiate a complaint with the commission in accordance with its Rules of Practice and Procedure (5 VAC 5-10-10 et seq.).

5. The ILEC shall furnish notice of any request for exemption of physical collocation to all certificated local exchange carriers and interexchange carriers in Virginia. The ILEC shall provide a copy of the application to interested parties upon request. The ILEC shall also provide a copy of any proprietary information provided under subsection B of this section to interested parties in a timely manner and pursuant to a confidentiality agreement.

6. The ILEC shall provide a tour of any premise to a carrier that has been denied collocation space or arrangement. In addition, the ILEC shall schedule tours of a premise for interested parties and commission staff once an exemption request has been filed with the commission. These tours shall be provided in a timely manner; however, the ILEC may coordinate any tours between the parties in order to minimize any disruption at the premise.

7. Any ILEC which has been granted an exemption to provide physical collocation at any premise shall file a status

CHAPTER 400.
TELECOMMUNICATIONS.

report yearly from the date the exemption was granted. The report shall identify any changes to the previously provided documentation required in subsection B of this section.

B. 1. Any request submitted by an ILEC for an exemption from physical collocation shall specifically identify the premise (including exchange, wire center, CLLI code, brief description, V&H coordinates, and address) where the exemption is requested and the criteria for which the request is being made, i.e., space limitation and/or technical reason.

2. The ILEC shall submit current clearly labeled floor plans/diagrams of the premise of at least a 1/8"=1' scale which, at a minimum, identifies the following:

a. Equipment in use and its function, i.e., mechanical, power, switching, transmission, etc.

b. Equipment being phased out, not in use and/or stored.

c. Space reserved by the ILEC for future use as of the preparation date of the floor plan/diagram.

(1) Within six months (imminent equipment placement).

(2) After six months but within two years.

(3) After two years.

CHAPTER 400.
TELECOMMUNICATIONS.

d. Physical collocation space.

e. Administrative and other non-equipment space.

3. For any equipment being phased out, not in use and/or stored, identified in subdivision B 2 b, the ILEC shall provide the expected retirement and removal date or dates.

4. For any space reserved in subdivision B 2 c, the ILEC shall include the use for which it is planned. In addition, for space reserved for more than two years, the ILEC shall specify the timeframe reserved.

5. For collocation space identified in subdivision B 2 d, the ILEC shall identify the amount of space utilized by each available type of collocation arrangement. In addition, the ILEC shall identify the amount of space utilized and/or reserved by each carrier.

6. The ILEC shall submit a detailed description and analysis of any equipment rearrangements, administrative space relocation and/or building expansion plans, including timelines of each project for the premise in which the exemption is requested.

7. The ILEC shall provide a detailed description of any efforts or plans to avoid space exhaustion in the premise for which the exemption is requested. Such description should

CHAPTER 400.
TELECOMMUNICATIONS.

include the proposed timeline of any such plans and estimation
of the duration of the exemption.

8. To the extent that an ILEC claims that space is
unavailable due to security or access constraints, an
explanation of any efforts the ILEC has undertaken to overcome
such constraints shall be submitted.